

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5370 of 2022**

***Papu Dehury***

.... ***Petitioner***  
*M/s. S.Dwibedi, Advocate*

**-versus-**

***State of Orissa***

.... ***Opp. Party***  
*M/s.P.K.Patnaik, A.G.A.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**10.11.2022**

**Order No.**

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Byree P.S. Case No.15 of 2022 corresponding to C.T. Case No.196 of 2022 pending in the Court of learned J.M.F.C., Chandikhole for commission of offence punishable U/Ss. 498-A/304-B/306 of the I.P.C. read with Section 4 of D.P. Act on the allegation of abetting commission of suicide of the deceased and thereby committing her dowry death as well as subjecting her to torture and cruelty prior to her death for demand of dowry.
  3. In the course of hearing of the bail application, Mr.S.Dwibedi, learned counsel for the petitioner submits that all the allegations appearing against the petitioner are omnibus in nature and there is hardly any material to rope the accused for offence U/S. 304-B of I.P.C. It is further stated by placing the statement of one witness namely, Badal Dehury that the deceased had committed suicide for a reason beyond the knowledge and control of the petitioner and the petitioner having admittedly inside the judicial custody since 11.06.2021 and the post mortem report disclosing the cause of death

to be suicidal hanging, there appears no justification for further detention of the petitioner in judicial custody. It is, accordingly, prayed by learned counsel for the petitioner to grant bail to the petitioner.

4. On the contrary, learned counsel for the State by placing the statement of one Mama Dehury who happens to be the sister-in-law of the petitioner submits that the petitioner was subjecting the deceased to torture and cruelty and the deceased was found hanging in her bed room and such death of the deceased was otherwise than in normal circumstance within seven years of her marriage and thereby, there is a prima facie case against the petitioner for commission of dowry death of deceased and abetting her commission of suicide. It is accordingly prayed by learned counsel for the State to reject the bail application of the petitioner.

5. Considering the rival submissions, the nature and gravity of accusations as also the circumstance of the death of the deceased and regard being had to the pre-trial detention of the petitioner and the fact that charge sheet has already been submitted in this case and keeping in view the personal liberty of a person with utmost priority and the fact that no material is being placed on record to indicate that the petitioner would abscond or tamper with the evidence and regard being had to the cause of death of the deceased as stated in the post mortem report, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and

conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

( *G. Satapathy* )  
*Judge*

*Kishore*

